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7 Attorneys for Plaintiff  
PHOENIX FUEL CORPORATION, a Wyoming  
corporation

**\*E-FILED - 5//15/07\***

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9 **UNITED STATES DISTRICT COURT**  
10 **NORTHERN DISTRICT OF CALIFORNIA**  
11 **(SAN JOSE)**

12 PHOENIX FUEL CORPORATION, a  
Wyoming corporation,

13 Plaintiff,

14 vs.

15 SUNWORLD INTERNATIONAL  
16 AIRLINES, INC., EDWARD C.C.  
PEAGRAM, and DOES 1 through 50,  
17 inclusive,

18 Defendant.

CASE NO. C-06-06104 RMW

**JOINT STIPULATION AND ~~[PROPOSED]~~  
ORDER TO DISMISS ACTION WITH  
PREJUDICE**

**(F.R.C.P. 41(a))**

Before: Hon. Ronald M. Whyte  
Address: 280 S. 1st Street  
San Jose, CA 95113

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21 Plaintiff Phoenix Fuel Corporation ("Phoenix Fuel"), was provided with a Notice in  
22 accordance with F.R.C.P. 25(a) of the death of Defendant Edward C.C. Peagram, and neither  
23 Phoenix Fuel, nor Defendants Sunworld International Airlines, Inc. and Edward C.C. Peagram  
24 (collectively, "Defendants") seek to substitute a party therefore, and waive their right to do so.

25 IT IS HEREBY STIPULATED by and among Phoenix Fuel and Defendants, through  
26 their respective counsel, that the parties agree to dismiss this action in its entirety with prejudice,  
27 pursuant to Federal Rules of Civil Procedure, Rule 41(a) and each party shall bear its own  
28 attorney fees and costs in this matter.

BN 1224027v1

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Case No. C-06-06104 RMW

BUCHALTER NEMER  
A PROFESSIONAL CORPORATION  
SAN FRANCISCO

**JOINT STIP. AND ~~[PROPOSED]~~ ORDER RE DISMISSAL OF ACTION**

1 The parties seek approval of dismissal of this action with prejudice.

2 IT IS FURTHER STIPULATED by and among Phoenix Fuel and Defendants, through  
3 their respective counsel, that this Stipulation constitutes a mutual release of claims in connection  
4 with or arising from any and all liens on Boeing 727 civil aircraft N282US, MSN 211611, and  
5 may be filed accordingly, however, the parties agree to execute additional documentation  
6 reasonably necessary to effect said release.

7 Facsimile signatures on this stipulation may be considered as originals, and this  
8 stipulation may be signed in counterpart.

9 IT IS SO STIPULATED.

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12 DATED: May 11, 2007

BUCHALTER NEMER  
A Professional Corporation

14  
15 By: Mia S. Blackler  
16 MIA S. BLACKLER  
17 Attorneys for Plaintiff  
18 PHOENIX FUEL CORPORATION, a  
19 Wyoming corporation

20 DATED: May 11, 2007

COTI & SUGRUE

21 By: Stephen R. Sugrue  
22 STEPHEN R. SUGRUE  
23 Attorneys for Defendants  
24 SUNWORLD INTERNATIONAL  
25 AIRLINES, INC. and  
26 EDWARD C.C. PEAGRAM  
27 (Application for Admission Pro Hac Vice  
28 Pending)

1 DATED: May 11, 2007

2 By: 

3 JOSEPH EATON, ESQ.  
4 Designated Co-Counsel for Defendants  
5 SUNWORLD INTERNATIONAL  
6 AIRLINES, INC. and  
7 EDWARD C.C. PEAGRAM

8 **IT IS SO ORDERED.**

9 DATED: 5/15, 2007

  
HON. RONALD M. WHYTE

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Case No. C-06-06104 RMW